

County of San Diego Behavioral Health Services

Community Forum on “Laura’s Law”

WIC 5345 – 5349.5

19 November 2010

Background

- Kendra's Law – New York (1999)
- Nevada County, California (2002)
 - AB 1421 *Laura's Law*
- Lanterman-Petris-Short Act (LPS)
 - Signed into Law 1967, Gov. Ronald Reagan
 - Enacted 1972

Eligibility Criteria

1. 18 years or older
2. "Serious mental disorder" (WIC 5600.3)
3. Unable to survive safely in community without supervision
4. History of lack of compliance with treatment, as evidenced by
 - Hospitalized/incarcerated 2 or more time, last 36 months, due to mental illness
 - Violent behavior towards self/others last 48 months
5. Person refuses treatment voluntarily
6. Person's condition is deteriorating
7. Participation in Assisted Outpatient Treatment is "least restrictive"
8. Assisted Outpatient Treatment is needed to prevent relapse or deterioration
9. Person will likely benefit from Assisted Outpatient Treatment

Petition Process

- Petition filed in Superior Court by Mental Health Director or designee
- Request to file can be made by:
 1. Any one 18 years/older, with whom the person resides
 2. Parents, spouse, sibling, or child – 18 or older
 3. Director/designee of the mental health treatment facility of person, including residential facilities
 4. Director/designee of hospital caring for person
 5. Licensed mental health treatment provider for the person
 6. Law enforcement, including parole and probation

Investigation Process

- Mental Health Director/designee conducts investigation into appropriateness of request
- If upheld, petition includes:
 1. Summary of eligibility criteria met
 2. Facts supporting this opinion
 3. Person must be presently residing in County
 4. LMHC must have examined within last 10 days
 - If person refuses exam, Court may order 72 hr hospitalization for examination
 5. Services recommended are available and were offered voluntarily
 6. If petition upheld by Court, ordered to Assisted Outpatient Treatment – “Clear & Convincing Evidence”

Court Enforcement

- Initial period not to exceed 6 months, and increments of 6 month renewal
- Director of treatment facility must file affidavit every 60 days, still meets criteria of need
 - Eligible for Writ Hearing each 60 Days
- If person refuses treatment
 - Court orders person to meet with treatment team “to gain the person’s cooperation”
 - Failing that, 72 hour hospital hold, “to gain the person’s cooperation”
 - Failing that, if applicable, 5150 process – but not “contempt of Court”

Assisted Outpatient Treatment

- Community-based, mobile, multidisciplinary, rehab and recovery focused (ACT Model)
- Provision for housing
- Personal Services Coordinator
- Services must also be available on a voluntary basis
- Involuntary medication not allowed without separate Riese Hearing process

County Process

- Community education and input
- Administrative Analysis
- Approval/Enactment through Board of Supervisors